

Notice of Allowability

Application No.

10/009,450

Examiner

John Kim

Applicant(s)

COLLINS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/18/03.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 9/18/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

-Claim 6, line 2: ".degree." has been changed to -- degree --.

-Claim 15, line 2: ".degree." has been changed to -- degree --.

2. The following is an examiner's statement of reasons for allowance:
None of the prior art teaches or suggests the blood cleansing system of claim 1 comprising a second dialyzer including a second semi-permeable membrane defining a second blood compartment and a second dialysate compartment, the second blood compartment having a second blood inlet which receives a fluid including at least said partially cleansed blood and a second blood outlet which expels cleaned blood, and the second dialysate compartment having a second dialysate inlet and a second dialysate outlet, said second dialysate inlet for receiving dialysate from said source at a temperature lower than a temperature of said heated dialysate that is delivered to the first dialysate inlet, and the blood cleansing system of claim 11 comprising a second dialyzer including a second semi-permeable membrane defining a second blood compartment and a second dialysate compartment, the second blood compartment having a second blood inlet which receives a fluid including at least said partially cleansed blood and a second blood outlet which expels cleaned blood, the second dialysate compartment having a second dialysate inlet and a second dialysate outlet, said second dialysate inlet for receiving

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dialysate at a temperature lower than a temperature of said heated dialysate; and wherein said source of dialysate fluid is connected to said second dialysate inlet for delivering said dialysate thereto, said heating control module being connected to said second dialysate outlet and said first dialysate inlet so that said dialysate flows from said second dialysate outlet to said heating control module where it is heated to form said heated dialysate which is then delivered to said first dialysate inlet, and the method of cleaning blood in claim 12 comprising delivering dialysate from said source to said second dialysate inlet at a temperature lower than a temperature of said heated dialysate; providing a blood inflow to said first blood inlet; dialyzing said blood inflow in said first dialyzer to provide partially cleaned blood which is delivered to said second blood inlet of said second dialyzer; dialyzing said partially cleansed blood in said second dialyzer to produce cleaned blood; said partially cleansed blood entering said second dialyzer through said second blood inlet, said cleaned blood exiting said second dialyzer through said second dialysate outlet and the the method of cleansing blood in claim 23 comprising diafiltering said partially diafiltered blood in a second dialyzer to provide cleansed blood, said second dialyzer including a second semi-permeable membrane defining a second blood compartment and a second dialysate compartment, the second blood compartment having a second blood inlet receiving said partially diafiltered blood and a second blood outlet, the second dialysate compartment having a second dialysate inlet and a second dialysate outlet, said dialysate in said second dialysate compartment having a second temperature less than said first temperature, said cleansed blood having a temperature which is less than said elevated temperature of said partially diafiltered blood.

Claims 2-10 depend on the patentable claim 1. Claims 13-22 depend on the patentable claim 12.

Claim 24 depends on the patentable claim 23.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response is (703) 872-9306.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


John Kim
Primary Examiner
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J. Kim
November 24, 2003